



Hon Mark Butler MP
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Parliament House
Canberra
ACT 2600

Minister.Butler@health.gov.au

8th March 2023

Dear Minister,

Request for a Parliamentary Inquiry regarding the lack of regulation for online semen donations and the need for a National Donor Conception Register

ANZICA (Australia and New Zealand Infertility Counsellors Association) is the peak professional Australian and New Zealand counselling organisation dedicated to promoting the psychological and social wellbeing of individuals and couples undergoing fertility treatment. Consideration of the best interests of the child to be born from all ART techniques as well as the long-term health and psychological welfare of all involved are paramount and are fundamental principles guiding both counselling practice and process.

We are providing this context to emphasise the comprehensive and long-standing experience that ANZICA members bring in regard to our request for:

- A parliamentary inquiry concerning the unregulated world of online semen donors who enter into informal arrangements with little or no regard for the legal, medical and psychological risks involved.
- A national donor conception register, with an agreed and uniform family limit for all donors, operating across all jurisdictions.

Our request comes with the full endorsement of our peak body, the Fertility Society of Australia and New Zealand, and reflects the wider voices expressed by Donor Conceived Australia. (Please find attached, recent media reports that provide further background on this issue).

Parliamentary inquiry

As key advocates in the arena of donor conception we would like to express our grave concerns regarding an ever-growing number of prolific semen donors advertising online. Unlike men donating through fertility clinics, these donors are able to donate with no legal requirements to register the number of their donations or the number of donor conceived families created. All too often they do so with little or no regard for significant health, legal and psychological risks for all involved:

- *Health risks:* all too frequently recipients are unaware that a sample provided in an informal arrangement is a *semen sample* not a *sperm sample* and it is therefore impossible to know if they are receiving the necessary sperm to create a pregnancy. Fertility clinics in Australia are required by law to carry out rigorous health testing of sperm donors and the samples they produce. This protects everyone involved from possible infections such as herpes, hepatitis and HIV. It also minimises the risk of transmitting genetic diseases.
- *Legal risks:* sperm donation by private arrangement may mean a donor is recognised as the legal father of a child. This may include rights to parenting access, as well as the responsibility of financial support. Many online donors and their recipients are unaware of these legal risks.
- *Psychological risks:* in an informal arrangement there are currently no legal limits to the number of families created from one donor. This increases the risk of consanguinity and the potential psychological distress for a donor conceived person later discovering they have large numbers of donor siblings or are unable to learn the identity of their donor.

We urge the government to initiate a parliamentary inquiry into the lack of regulation in this area, with a view to creating a national donor conception register. It is only by establishing a national register that a singular national family limit for each donor can be monitored and maintained.

National Donor Conception Register

Current legislative frameworks have failed to keep up with the changing landscape in Assisted Reproductive Technology and have yet to recognise the frequency of informal and cross border donor conception arrangements. As such, we have no harmonisation in the laws and family limits across states and territories and no suitable system that truly keeps track of how many children and families any one donor has created.

The adoption of a National Donor Conception Register would allow appropriate support for all donor conceived people, donors, and their families, in accessing identifying information (including genetic siblings they may have). This register would require all recipients who have accessed a donor using an informal arrangement to register the identifying information about their donor. This would be an extension of the existing legal requirements to register a birth. It would also be in line with the requirements in a formal clinic setting.

Australia has been regarded as a world leader in the area of Donor Conception Legislation. However, our failure to monitor and manage informal donations threatens to tarnish the good reputation we have worked so hard to achieve. Current international publicity is reflecting this failure with negative press about our ‘prolific donor problem’ (see attached).

Seven years after the commencement of Victoria’s world first legislation (Assisted Reproductive Treatment Bill 2016- “Narelle’s Law”) - which gave all donor conceived adults equal rights to identifying information regarding their genetic parents - it is essential that this government provides a national register that is fit for purpose to deliver on these rights.

Thank you for your consideration of this matter. We look forward to hearing from you and providing assistance and expertise if required.

Kind regards,

Rebecca Kerner
Chair ANZICA and on behalf of ANZICA Executive